

**THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TRISHA HOWELL DEVENPORT,)	
)	
Plaintiff ,)	Case No. 08 C 871
)	
v.)	Honorable Judge George W. Lindberg
)	
)	Magistrate: Arlander Keys
)	
)	<u>Plaintiff Demands Trial By Jury</u>
SAM'S CLUB WEST and/or SAM'S CLUB)	
)	
Defendant)	

**PLAINTIFF'S MOTION TO AMEND COMPLAINT UNDER FRCP 15 (A),
instante**

NOW COMES, the Plaintiff, TRISHA HOWELL DEVENPORT, by and through her attorney John C. Ireland of the Law Office of John C. Ireland and herein moves this Honorable Court to allow Amendment of the Plaintiff's previously filed Complaint in accordance with Federal Rule of Civil Procedure 15 (A) and in support of said motion states as follows:

1. On February 10, 2008 the Plaintiff filed the above-captioned Complaint.
2. In this Complaint, Plaintiff failed to attach exhibit "C".
3. Plaintiff now moves to Amend the previously filed complaint to include the unattached exhibit C. (Plaintiff attaches the **PLAINTIFF'S FIRST AMENDED COMPLAINT** and **Exhibit "C"** to this Motion as Exhibit "1").
4. Plaintiff has not completed service of process nor has Defendant filed responsive pleadings and twenty days have not passed since it was mailed with a Waiver of Service to Defendant, therefore Plaintiff moves for amendment in accordance with the Federal

Rule of Civil Procedure 15(A).

5. FRCP rule 15 (A) reads:

“A party may amend the party's pleading once as a matter of course at any time before a responsive pleading is served or, if the pleading is one to which no responsive pleading is permitted and the action has not been placed upon the trial calendar, the party may so amend it at any time within 20 days after it is served.”

6. Plaintiff has not previously amended the pleadings.

7. Plaintiff has made no other changes to the originally filed complaint, other than the inclusion of the Exhibit “C” and a single sentence describing Exhibit “C”.

Wherefore, the Plaintiff, TRISHA HOWELL DEVENPORT, moves this Honorable Court to allow for amendment of her previously filed complaint, instanter;

Submitted by

_____-S-_____

John C. Ireland

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